

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas Daniel Rhodes,

Civil No. 08-198 (RHK/SRN)

Petitioner,

ORDER

v.

Warden Lynn Dingle,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated January 24, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (Doc. No. 2) is **ADOPTED**;
2. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED**;

and

3. This action is **SUMMARILY DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction.

Dated: February 19, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge